

Reidinger - PLM



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: David C. Funk - Excess Period of Temporary Storage
of Household Goods

File: B-227488

Date: December 29, 1987

DIGEST

An employee, who was transferred and immediately thereafter sent for long-term training at a location distant from his new permanent duty station, was authorized temporary storage of his household goods not to exceed 180 days. He alleges that an agency official misinformed him that the government would pay for storage of the household goods the entire time he was away for training. The employee's request that we waive the time limitation so as to permit reimbursement for his costs for the additional 6-month period based on extenuating circumstances is denied. Regardless of the circumstances, the period for which reimbursement of storage cost may be made is limited to the maximum period authorized in the regulations, and our Office is without authority to disregard those provisions or waive the time limitation imposed therein.

DECISION

This decision is in response to a letter from Mr. David C. Funk requesting reconsideration of our Claims Group settlement Z-2864105 dated March 9, 1987, which disallowed his claim for temporary storage of his household goods at government expense for a period in excess of 180 days. We sustain that disallowance for the following reasons.

BACKGROUND

Mr. Funk, an employee of the Department of the Air Force, was transferred from Hickam Air Force Base, Hawaii, to Norton Air Force Base, California, with a reporting date of July 16, 1984. Incident to that transfer, he was authorized temporary storage of household goods and personal effects not to exceed 90 days.

Several days after reporting for duty at Norton Air Force Base, Mr. Funk was sent to Maxwell Air Force Base to attend the Air War College for long-term training during the period

040982

August 7, 1984, to May 21, 1985. Since that assignment was not considered a permanent change of station, travel was not authorized for his dependents. However, since Mr. Funk had not established a residence in the area of Norton Air Force Base before receiving his training assignment, his dependents accompanied him to Maxwell Air Force Base. Mr. Funk's household goods remained in storage in San Bernadino, California, until after the employee and his family returned to Norton Air Force Base in June 1985.

Mr. Funk states that prior to his travel to Maxwell Air Force Base, he discussed an extension of the period of temporary storage of his household goods with a staff employee of the Traffic Management Office at Norton Air Force Base. He was granted that extension, and he says he was informed that the government would pay storage costs for the entire time he was in training at Maxwell Air Force Base. However, upon his return to Norton Air Force Base, he was informed that the maximum period of temporary storage authorized at government expense was 180 days, that the authorized period had run out in January 1985, and that, since full payment had been made for the authorized period, he was responsible for all expenses incurred thereafter.

Mr. Funk argues that because his transfer to Norton Air Force Base was immediately followed by long-term training at a location distant from Norton it created unusual circumstances. It is his view that since he had no choice but to leave his household goods in storage, the government should pay the entire cost of that storage. Further, he argues that he acted in good faith reliance on agency officials at a cost to him of over \$2,000. In these circumstances, Mr. Funk feels that he should be entitled to a waiver of the time limitation imposed by the Joint Travel Regulations.

RULING

The entitlement of an employee of the federal government to be reimbursed for travel, transportation, shipment and storage of household goods incident to transfers in the interest of the government are strictly prescribed by law and implementing regulations. Those statutorily authorized regulations are those contained in the Federal Travel Regulations (FTR), and for civilian employees of the

Department of Defense, those contained in Volume 2, Joint Travel Regulations (2JTR).

Temporary storage of household goods in connection with a permanent change of station is authorized by 5 U.S.C. § 5724(a)(2). Paragraph 2-8.2c of the Federal Travel Regulations, FPMR 101-7 (September 1981), incorp. by ref., 41 C.F.R. § 101-7.003, as amended by GSA Bulletin FPMR A-40, Supp. 4 (effective October 1982) provides, in part:

"c. Temporary storage time limit. The time allowable for temporary storage in connection with an authorized shipment of household goods shall not exceed a period of 90 days. * * * However, upon an employee's written request, the initial 90-day period may be extended an additional period not to exceed 90 days under certain conditions if approved * * *."

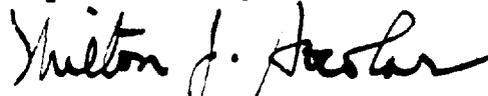
Paragraph C8001-2b of 2 JTR specifies the same constraints and conditions.

We have consistently held that the maximum period for which the government may assume responsibility for the cost of temporary storage of household goods incident to a permanent change of station is limited to the maximum period authorized in the regulations, regardless of the circumstances which necessitate additional storage time. See Harry E. Johnson, B-201043, June 26, 1981, and cases cited.

Mr. Funk argues that he was misled by agency officials and that had he been properly informed of his rights and responsibilities, he could have taken action to reduce his financial exposure. However, it is a well-settled rule of law that the government is not estopped from repudiating erroneous advice by its officers and employees who go beyond the actual authority conferred by statute and implementing regulations. Joseph Pradarits, 56 Comp. Gen. 131 (1976); M. Reza Fassihi, 54 Comp. Gen. 747 (1975).

Regardless of the equitable considerations involved, there is no authority by which this Office may disregard the provisions of the controlling statutory regulations or waive the time limitation imposed therein. Since Mr. Funk's household goods were placed in temporary storage at

government expense for the full 180 days, there is no basis upon which he may be reimbursed for additional storage costs beyond that period.

for 
Comptroller General
of the United States